

Matthew T. Martens  
(NJ Bar No. 47541998)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
(t) (202) 663-6000  
(f) (202) 663-6363  
[matthew.martens@wilmerhale.com](mailto:matthew.martens@wilmerhale.com)

*Attorney for Defendants*

Timothy Perla (*pro hac vice*)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
60 State Street  
Boston, MA 02109  
(t) (617) 526-6000  
(f) (617) 526-5000  
[timothy.perla@wilmerhale.com](mailto:timothy.perla@wilmerhale.com)

Charles C. Bridge (*pro hac vice*)  
WILMER CUTLER PICKERING  
HALE AND DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(t) (212) 230-8000  
(f) (212) 230-8888  
[charles.bridge@wilmerhale.com](mailto:charles.bridge@wilmerhale.com)

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

WILLIAM HOUCK, Individually and  
on Behalf of All Others Similarly  
Situated,

Plaintiff,

v.

EOS ENERGY ENTERPRISES, INC.,  
JOSEPH MASTRANGELO, and  
NATHAN KROEKER,

Defendants.

Case No. 2:23-cv-04113-JKS-MAH

**Motion Day:** Monday, June 3, 2024

**NOTICE OF DEFENDANTS'  
MOTION TO DISMISS  
PLAINTIFF'S SECOND  
AMENDED CLASS ACTION  
COMPLAINT**

**ORAL ARGUMENT REQUESTED**

PLEASE TAKE NOTICE that on Monday, June 3, 2024, or as soon thereafter as counsel may be heard, defendants Eos Energy Enterprises, Inc., Joseph Mastrangelo, and Nathan Kroeker (“Defendants”), by and through their undersigned counsel, shall move before the Honorable Jamel K. Semper, United States District Judge for the District of New Jersey, for an Order dismissing with prejudice Plaintiff’s Second Amended Class Action Complaint for Violation of the Federal Securities Laws [ECF No. 25] (the “Complaint”), dated March 5, 2024, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §§ 78u-4 *et seq.*, for failure to state a claim upon which relief can be granted, and granting such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion to Dismiss, Defendants will rely upon the accompanying Memorandum of Law and the accompanying Declaration of Matthew T. Martens (and exhibits thereto).

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

PLEASE TAKE FURTHER NOTICE that Defendants request oral argument.

Dated: April 4, 2024

Respectfully submitted,

**WILMER CUTLER PICKERING  
HALE AND DORR LLP**

/s/ Matthew T. Martens

Matthew T. Martens  
(NJ Bar No. 47541998)  
2100 Pennsylvania Avenue NW  
Washington, DC 20037  
(t) (202) 663-6000  
(f) (202) 663-6363  
[matthew.martens@wilmerhale.com](mailto:matthew.martens@wilmerhale.com)

Timothy J. Perla (*pro hac vice*)  
60 State Street  
Boston, MA 02109  
(t) (617) 526-6000  
(f) (617) 526-5000  
[timothy.perla@wilmerhale.com](mailto:timothy.perla@wilmerhale.com)

Charles C. Bridge (*pro hac vice*)  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
(t) (212) 230-8000  
(f) (212) 230-8888  
[charles.bridge@wilmerhale.com](mailto:charles.bridge@wilmerhale.com)

*Attorneys for Defendants*